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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,068	02/04/2004	Steve Elmer	AOL0134	6042

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EXAMINER

ADAMS, CHARLES D

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,068

Applicant(s)

ELMER, STEVE

Examiner

Charles D. Adams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6, 9-11, 13-16, 19-21, 23-26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723).

3. As to claim 1, Dutta et al. teaches a method of testing browser software in a computer environment (see Abstract).

Dutta et al. does not teach:

Generating a list of URLs (Universal Resource Location) using a web crawler;

Garcia-Chiesa teaches:

Generating a list of URLs (Universal Resource Location) using a web crawler
(see paragraph [0010]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Garcia-Chiesa, since Garcia-Chiesa teaches that "Further more the techniques include the elimination of possible crawling loops that due to minor differences in the emitted URLs

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format could otherwise be undetected by crawlers not specifically aware of the non-materiality of these subtle syntactic differences" (see paragraph [0043]).

Dutta et al. as modified teaches:

Automatically instructing a first browser program to load and render web pages according to the list of URLs (see Dutta et al. 8:5-10. A user can go through multiple web pages. The process of the current application is automatic, and the process in Dutta et al. is manual. However, the following section from MPEP 2144.04 [R-1], section III states:

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." **The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.**) [Emphasis Added].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the list developed in Garcia-Chiesa, and combine it with the page navigation of Dutta et al. to browse multiple pages).

Dutta et al. as modified further teaches:

Detecting one or more errors in rendering of the first browser program the web pages (see Dutta et al. 7:8-21 and 7:50-65); and

Automatically storing information about the one or more errors (see Dutta et al. 7:50-65 and Figure 11).

As to claim 11, Dutta et al. teaches an apparatus of testing browser software in a computer environment (see Abstract), comprising:

Dutta et al. does not teach:

A module for generating a list of URLs (Universal Resource Location) using a web crawler

Garcia-Chiesa teaches a module for generating a list of URLs (Universal Resource Location) using a web crawler (see paragraph [0010]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Garcia-Chiesa, since Garcia-Chiesa teaches that "Further more the techniques include the elimination of possible crawling loops that due to minor differences in the emitted URLs format could otherwise be undetected by crawlers not specifically aware of the non-materiality of these subtle syntactic differences" (see paragraph [0043]).

Dutta et al. as modified teaches:

A module for automatically instructing a first browser program to load and render web pages according to the list of URLs (see Dutta et al. 8:5-10 and rejection of claim 1, above);

A module for detecting one or more errors in rendering of the first browser program the web pages (see Dutta et al., 7:8-21 and 7:50-65); and

A module for automatically storing information about the one or more errors (see Dutta et al. 7:50-65 and Figure 11).

As to claim 21, Dutta et al. teaches a program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to

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perform a method for of testing browser software in a computer environment (see Abstract)

Dutta et al. does not teach generating a list of URLs (Universal Resource Location) using a web crawler;

Garcia-Chiesa teaches generating a list of URLs (Universal Resource Location) using a web crawler (see paragraph [0010]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Garcia-Chiesa, since Garcia-Chiesa teaches that "Further more the techniques include the elimination of possible crawling loops that due to minor differences in the emitted URLs format could otherwise be undetected by crawlers not specifically aware of the non-materiality of these subtle syntactic differences" (see paragraph [0043]).

Dutta et al. as modified teaches:

automatically instructing a first browser program to load and render web pages according to the list of URLs (see Dutta et al. 8:5-10 and rejection of claim 1, above);

Detecting one or more errors in rendering of the first browser program the web pages (see Dutta et al., 7:8-21 and 7:50-65); and

Automatically storing information about the one or more errors (see Dutta et al. 7:50-65 and Figure 11).

As to claims 3, 13, and 23, Dutta et al. as modified teaches wherein the detecting of the one or more errors comprising the step of:

Automatically instructing a second browser program to load and render the web pages (see Dutta et al. 7:23-35); and

Comparing a representation of rendering results of the first browser program to a representation of rendering results of the second browser program (see Dutta et al. 7:50-65).

As to claims 4, 14, and 24, Dutta et al. teaches wherein one or more errors are detected when the representation of rendering results of the first browser program does not match the representation of rendering results of the second browser program (see Dutta et al. 8:65-9:14).

As to claims 5, 15, and 25, Dutta et al. teaches wherein the representation of rendering results of the first browser program comprises a screen image of a web page rendered by the first browsing program (see Dutta et al. 7:66-8:3, and Figure 5).

As to claims 6, 16, and 26, Dutta et al. teaches wherein the representation of rendering results of the first browser program comprises an internal representation of a web page as interpreted by the first browser program (see Dutta et al. 8:65-9:14).

As to claim 9, 19, and 29, Dutta et al. as modified teaches further comprising the step of avoiding duplicated visits to a same URL (see Garcia-Chiesa paragraph [0010]. "Further, the methods the present invention generate lists of unique URLs that are

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marked each of them as static, thus the engines do not need to follow ANY non-static link. Plus, the list that follows is deduplicated, optimized and sanitized").

As to claim 10, 20, and 30, Dutta et al. as modified teaches wherein a number of URLs are removed from the URLs reported by the web crawler to generate the list of URLs (see Garcia-Chiesa paragraph [0010]. Removing duplicates will remove URLs from the list).

4. Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723), and further in view of Othmer et al. (US Patent 6,167,358).

Dutta et al. as modified does not explicitly teach wherein the one or more errors include a crash of the first browser program in rendering one of the web pages.

Othmer et al. teaches wherein the one or more errors include a crash of the first browser program in rendering one of the web pages (see 9:39-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Othmer et al., since Othmer et al. teaches that "the invention is particularly applicable to a system and method for monitoring a software application or a micro-processor on a distributed set of client computers in order to determine information, such as defects or usage patterns, about the software application or the microprocessor" (see 4:10-23).

5. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723), and further in view of Examiner taking Official Notice.

Dutta et al. teaches wherein the internal representation of the web page comprises attributes of the web page (see Dutta et al. 8:65-9:14)

Dutta et al. does not explicitly teach including:

A background color;

A number of columns of a table; and

A number of rows of a table.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have tested a web page in Dutta et al. that included the components listed in claim 7, since they are common components in HTML / webpage designing. Dutta et al. teaches testing for tags (see 8:65-9:14).

6. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723), and further in view of Shindo (US Patent 6,865,592).

Dutta et al. as modified teaches the claim upon which these claims depend.

Dutta et al. as modified does not teach automatically restarting the first browser program after a crash of the first browser program in rendering one of the web pages.

Shindo teaches automatically restarting the first browser program after a crash of the first browser program in rendering one of the web pages (see Shindo 11:15-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Shindo, since Shindo teaches that "if a failure occurs due to the Web environment on the automatic transaction apparatus side, such as halting of the Web browser, or if a failure occurs due to the Web environment on the Web server side, such as shut-down of the server or congestion on the network, the automatic transaction apparatus cannot download applications required to operate. Therefore the automatic transaction apparatus halts the process. If the automatic transaction apparatus stops, customers cannot be serviced" (see 1:31-39).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Adams
AU2164



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PRIMARY EXAMINER